

July 26, 2019

VIA EMAIL: 77717-17758640@requests.muckrock.com

Cindy Long
MuckRock News
Dept MR 77716
411A Highland Avenue
Somerville, MA 02144-2516

RE: Right-to-Know Request Tracking Numbers: 2019-0524 (NC)

Dear Requester:

On July 19, 2019, the Department of Environmental Protection's (DEP) Open Records Officer received your request and assigned it the tracking number listed above. This letter is DEP's interim response to your request under the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (RTKL).

A copy of your request is enclosed and incorporated into this response.

DEP's Central Office is issuing this interim response on behalf of all DEP offices that have been or may be assigned to this request. If DEP determines that multiple DEP offices may potentially have responsive records, it assigns the request to each of those DEP offices. DEP's final response(s) will list which of the assigned DEP offices are covered by that final response. It is possible that you may receive more than one final response to your request. It is also possible that a final response may cover more than one office.

It is unclear from your request whether you want to review responsive records in person at the appropriate DEP office[s] or, instead, receive duplicates of the records by mail (in which case, as set forth in further detail in the RTKL, the requester is ordinarily responsible for the costs of duplication and mailing). Please provide your preference (in-person review or mailing) by emailing me at ep-dep-rtk@pa.gov, and include the tracking number listed above.

If you do not specify whether you prefer in-person review or mailing, DEP will not include the requested records in its final response. Instead, DEP will advise you of the duplication and mailing costs for the records, and explain how to schedule an in-person review.

Under the RTKL, a written response to your RTKL request is due by July 26, 2019.

This interim response notifies you that DEP requires up to an additional 30 days, until August 26, 2019, to issue a final response to your request. The extension is permitted under Section 901 of the RTKL, 65 P.S. § 67.901, because:

- ❑ A response by the mailing date of this letter could not be accomplished due to bona fide staffing limitations.
- ❑ The extent or nature of the request precludes a response within the required time.

For your future convenience, DEP has an online RTKL request form. You can access the form at <http://www.dep.pa.gov/Citizens/PublicRecords/RightToKnowLaw/Pages/default.aspx>.

NOTICE REGARDING FEES, FORMATS, AND ACCESS TO RECORDS

Under Section 1307 of the RTKL, 65 P.S. § 67.1307, DEP may impose fees for postage, duplication, certification, conversion to paper, and enhanced electronic access. Under Section 901 of the RTKL, 65 P.S. § 67.901, *all applicable fees must be paid to receive access to the record requested.*

The RTKL requires that DEP produce records in a requested format only if DEP maintains them in that format for regular business purposes. DEP need not create or reformat records to respond to a RTKL request. 65 P.S. § 67.705.

If the fees for your records are expected to exceed \$100.00, DEP may—under Section 1307 of the RTKL, 65 P.S. 67.1307—require that you prepay an estimate of the fees required to fulfill the request. (Although prepayment is required in all situations in which DEP does not waive fees, DEP requires prepayment based on the estimated fees only when the fees are estimated to exceed \$100.00) If the estimate exceeds the actual fees, DEP will reimburse you for the difference. If the actual fees exceed the estimate, you will be responsible for paying the difference.

If you are concerned about duplication costs, consider performing a file review. In a file review, you may duplicate documents at a reduced rate of \$0.15 per page for standard-size pages, and you can be selective about which records you copy. Please note that an informal file review (a file review outside the RTKL) may enable you to access records more quickly than a formal file review (a file review pursuant to the RTKL) or a request under the RTKL that records be sent to you. If you prefer an informal file review, you may withdraw your RTKL request and conduct an informal file review. Performing an informal file review does not preclude you from filing a RTKL request later. You can find more information about informal file reviews on DEP's public website.

If you request a file review, you must view the records at the DEP office that maintains the records. Records are not transferred between DEP offices for file reviews.

If you need records certified, certification of records costs \$1.00 per page.

If you expressly limited your RTKL request to electronic records and no electronic records exist, DEP will issue a "no records" final response.

Please contact me if you have questions.

Sincerely,



Sandra Keister
Agency Open Records Officer

Enclosure

cc: RTK CO Legal via email
RTK NC via email